

These minutes are subject to formal approval by the Wyoming Zoning Board of Appeals at their regular meeting on August 20, 2012.

MINUTES OF THE WYOMING BOARD OF ZONING APPEALS
HELD AT WYOMING CITY HALL

October 15, 2012

The meeting was called to order at 1:30 P.M. by Chairman VanderSluis.

Members present: Beduhn Burrill Lomonaco Postema
 Palmer VanderSluis VanHouten

Other official present: James W. DeLange, Chief Building Official

A motion was made by Burrill, and seconded by Lomonaco to excuse Dykhouse

Motion carried: 7 Yeas 0 Nays

A motion was made by Beduhn, and seconded by Palmer to approve the minutes of the Board of Zoning Appeals meeting with the changes to members present and the supported member on the support of the reconsideration of #V120233.

Motion carried: 7 Yeas 0 Nays

PUBLIC HEARING:

Appeal #V120239 P.P. #41-17-11-377-055
Exxel Engineering
1259 28th St. S.W.
Zoned DC

The application requesting a variance from City Code section 90-684 and 90-976 regulating nonconforming use located in the downtown development authority district to grant an expansion of a legal, non-conforming automobile car wash establishment was read by Secretary Lomonaco.

Chairman VanderSluis opened the public hearing.

Mr. Stalsonburg submitted a new site plan, which eliminated the proposed addition on the west side. There will be a small addition on the east side. The pay booths will be removed, and new automated ones will be relocated further to the back on the side. The purpose of the addition is to provide interior space for car detailing, and remodeling for new office area.

There being no further remarks, Chairman VanderSluis closed the public hearing.

DeLange said staff supported the variance request, and had formulated Finding of Facts for the Board's consideration.

1. That the condition, location, or situation of the specific piece of property or of the intended use of the property is unique to the property in the zoning district in which it is located because the site layout is skewed on an awkward shaped parcel. The existing use

has need for expansion in order to provide increased customer service The use has existed in the area for decades with no apparent deprivation of value or use to nearby parcels. The auto wash business is well established in the area no matter the changes in technical zoning classification.

2. That the building, structure or land cannot be reasonably used in a manner consistent with the uses allowed in the zoning district in which it is located because the building obviously is constructed for the specific purpose of a “tunnel” type automotive vehicle wash. Service expansion demanded by retail customers necessitate auxiliary services such as wax/polishing, detail work, carpet cleaning, etc. The building and its proposed enhancements will provide for a more efficient work place.
3. That the use variance will not alter the essential character of the neighborhood nor the intent of the City Master Plan, nor be of detriment to adjacent properties because the car wash has been in existence for decades without any detrimental impacts to adjacent properties.
4. That the requested use is not of so general or recurring a nature as to make reasonably practical the formulation of a general regulation or adding it to the permitted uses in the zoning district in which it is located or to permitted uses in other more appropriate zoning districts because “tunnel” car washes are becoming unique in the industry, it is unlikely that this minor expansion of an existing use will drive an ordinance change.
5. That the variance will not impair the intent and purpose of this Ordinance because the primary use within the area is retail merchandise and food sales. This business with its customer base likely attracts customer traffic for other businesses in the area.
6. That the immediate unnecessary hardship causing the need for the variance request was not created by the applicant because as an established business expands, customer service needs/desires change requiring building renovations and perhaps expansion also.

A motion was made by Burrill and seconded by Beduhn that the request for a variance in application no. V120239 be granted accepting staff’s Finding of Facts.

Motion carried: 7 Yeas 0 Nays (Resolution #5344)

There were no public comments at the meeting.

The new business items were discussed by DeLange and the Board members.

Canada Lomonaco
Secretary

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